

COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND

BILL NO. 83-2

Council President Hardwicke at the
request of the County Executive

Introduced by _____
Legislative Day No. 83-2 Date January 11, 1983

AN EMERGENCY ACT to authorize the County Executive to execute
an agreement with the Liquor Control Board
of Harford County, the Commissioners of
Aberdeen, the Town of Bel Air, and the Mayor
and City Council of Havre de Grace (herein-
after referred to as "municipalities"); to
provide for payment of liability accrued to
the Maryland State Retirement System.

By the Council, January 11, 1983

Introduced, read first time, ordered posted and public hearing scheduled

on: February 8, 1983

at: 7:15 P.M.

By Order: Angela Markowski, Secretary

PUBLIC HEARING

Having been posted and notice of time and place
of hearing and title of Bill having been published according to the
Charter, a public hearing was held on February 8, 1983
and concluded on February 8, 1983.

Angela Markowski, Secretary

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from
existing law. Underlining indicates language
added to Bill by amendment. Language lined
through indicates matter stricken out of Bill
by amendment.

1 WHEREAS, the Harford County Liquor Control Board
2 operated four (4) County dispensaries; and

3 WHEREAS, the liquor dispensary system terminated as
4 of September 1, 1981, and the dispensaries were directed to
5 liquidate stock and distribute profits after deducting the cost
6 of administration; and

7 WHEREAS, the Harford County Liquor Control Board
8 was a participating member of the Maryland State Retirement
9 System; and

10 WHEREAS, the Maryland State Retirement System requires
11 that the unfunded accrued liability attributable to the Harford
12 County Liquor Control Board be liquidated; and

13 WHEREAS, the municipalities and the County desire
14 to enter into an agreement to liquidate the Maryland State
15 Retirement System accrued liability on an annual basis; and

16 WHEREAS, said agreement, which is attached hereto
17 and made a part hereof, will be in effect for this current
18 fiscal year and the thirty-seven (37) years following; and

19 WHEREAS, Section 520 of the Charter of Harford County,
20 Maryland, requires that all agreements and payments thereunder
21 extending beyond the current fiscal year be authorized by
22 legislative act.

23 NOW, THEREFORE,
24 Section 1. *Be It Enacted By The County Council Of Harford*
25 *County, Maryland*, that the County Executive be, and he is
26 hereby authorized to execute, on behalf of the County, an
27 agreement with the Liquor Control Board of Harford County
28 and the three (3) municipalities to liquidate the accrued
29 liability owing to the Maryland State Retirement System.
30 Section 2. *And Be It Further Enacted*, that this Act is hereby
31 declared to be an Emergency Act, necessary to finalize the
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1 distribution of money from the sale of the assets and shall
2 take effect on the date it becomes law.

3 EFFECTIVE: February 10, 1983

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*The Secretary of the Council does hereby
certify that fifteen (15) copies of this Bill
are immediately available for distribution to
the public and the press.*

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Angela Markowski, Secretary

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THIS AGREEMENT, made this _____ day of _____, 198_, by and between the LIQUOR CONTROL BOARD FOR HARFORD COUNTY ("Board"), HARFORD COUNTY, MARYLAND ("County"), a body corporate and politic of the State of Maryland, THE COMMISSIONERS OF ABERDEEN ("Aberdeen"), a body corporate, TOWN OF BEL AIR ("Bel Air"), a body corporate, and THE MAYOR AND CITY COUNCIL OF HAVRE DE GRACE ("Havre de Grace"), a body corporate.

WHEREAS, the Harford County Liquor Control Board was established in accordance with Article 2B, Section 159, Annotated Code of Maryland, 1982 Cumulative Supplement; and

WHEREAS, the Harford County Liquor Control Board established and operated a liquor dispensary system in Harford County; and

WHEREAS, the four (4) County dispensaries were located within the Town of Aberdeen, the Town of Bel Air, the City of Havre de Grace and Edgewood, Maryland; and

WHEREAS, the liquor dispensary system terminated as of September 1, 1981; and

WHEREAS, pursuant to Article 2B, Section 161, Annotated Code of Maryland, 1982 Cumulative Supplement, the dispensaries were directed to liquidate stock and distribute the profits from the sale of stock in direct proportion to the contributions made by Harford County, Maryland, and each of the incorporated towns after deduction of the cost of administration; and

WHEREAS, the Harford County Liquor Control Board was a participating member of the Maryland State Retirement System; and

WHEREAS, Article 73B, Section 14, Annotated Code of Maryland, 1982 Cumulative Supplement, amending the pension law required actuarial reserve funding of all retirement benefits; and

WHEREAS, this legislation also required a change in actuarial cost methods, revised actuarial assumptions, and amortization of accrued liability over a 40 year period; and

WHEREAS, the Maryland State Retirement Systems require that the unfunded accrued liability attributable to the Harford County Liquor Control Board in the amount of One Hundred Forty-One Thousand Nine Hundred Twenty-Four Dollars (\$141,924.00) be liquidated; and

WHEREAS, the incorporated towns and Harford County, Maryland, desire to liquidate the Employees' Retirement System accrued liability on an annual basis.

NOW, THEREFORE, in consideration of the immediate refund by the Board of the initial capital investments for the dispensary system of Twenty-Five Thousand Five Hundred Dollars (\$25,500.00) to the respective incorporated towns and Ninety-Six Thousand Five Hundred Dollars (\$96,500.00) to Harford County, Maryland, the parties agree as follows:

1. That any final distribution shall not be made until the audit of the Board's dispensary system is concluded and all debts and administrative expenses are satisfied except as herein-after provided.

2. That the liquidation of the accrued liability shall be by annual payments to the Harford County Liquor Control Board.

3. That as of June 30, 1982, the accrued liability attributable to the Board is One Hundred Forty-One Thousand Nine Hundred Twenty-Four Dollars (\$141,924.00) or as determined by further audit.

4. That, based on actuarial analysis, an annual accrued liability contribution of Ten Thousand Seven Hundred Fifty-Seven Dollars (\$10,757.00) or as determined by further audit is required for payment to the State of Maryland for current pensioners and active members of the Employees' Retirement System.

5. That the Board will bill the parties for their share of the annual accrued liability contribution. All invoices are due within twenty (20) days of receipt. Payment in the form of a check made payable to the Harford County Liquor Control Board shall be forwarded to the Harford County Liquor Control Board, 18 Office Street, Bel Air, Maryland 21014. Penalty and interest shall be calculated at the rate of ten (10) percent of the amount due plus ten (10) percent of per annum to the date of receipt of such amount. The Board reserves the right to change the penalty and interest rate to be commensurate with that established by the State of Maryland for late payments by the Board to the State.

6. That each incorporated municipality shall be liable for 14.74% of the annual accrued liability contribution and the County shall be liable for 55.78% of said contribution. Upon receipt of the annual bill from the Board, the parties agree to pay, in a timely manner, their respective share as above stated.

7. That the term of this Agreement shall be for thirty-eight (38) years or, until the accrued liability attributable to the Board has been liquidated, whichever occurs first. The parties acknowledge that any alteration of the payment plan stated herein shall require State approval, which may or may not be granted.

8. That this Agreement shall not be modified, changed or amended, in whole or in part, unless in writing and signed by all the parties.

9. That this Agreement shall constitute the entire Agreement between them and that no other oral statement or extrinsic written instrument made prior to this Agreement shall have any force or effect.

10. That any purported assignment of this Agreement is void and of no force and effect.

11. That the terms and conditions of this Agreement shall be binding on the parties and their successors.

AS WITNESS, the hands and seals of the parties the day
and year first above written .

ATTEST:

HARFORD COUNTY LIQUOR CONTROL
BOARD

Secretary

By: _____

Dennis W. Meadowcroft,
Chairman

Approved as to form and legal
sufficiency this _____ day
of _____, 198_.

Board Attorney

HARFORD COUNTY, MARYLAND

By: _____

Habern Freeman,
County Executive

Approved as to form and legal
sufficiency this _____ day
of _____, 198_.

Approved for financial
sufficiency this _____ day
of _____, 198_.

County Attorney

Treasurer

TOWN OF ABERDEEN

By: Ronald Kupferman
 Ronald Kupferman,
 President, Town Commission

Approved as to form and legal
 sufficiency this 14th day
 of December, 1982.

[Signature]
 Town Attorney

TOWN OF BEL AIR

By: Geoffrey R. Close
 Geoffrey R. Close,
 Chairman, Board of
 Commissioners

Approved as to form and legal
 sufficiency this 16th day
 of December, 1982.

[Signature]
 Town Attorney

MAYOR AND CITY COUNCIL OF
HAVRE DE GRACE

By: Charles D. Montgomery
 Charles D. Montgomery,
 Mayor

Approved as to form and legal
 sufficiency this 20th day
 of December, 1982.

[Signature]
 City Attorney

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 198__, before me, the subscriber, a Notary Public of the State and County aforesaid, duly commissioned and qualified, personally appeared DENNIS W. MEADOWCROFT, who acknowledged himself to be the Chairman of the Harford County Liquor Control Board, and that he, as such Chairman, being authorized so to do, executed the foregoing Agreement by signing on behalf of the Harford County Liquor Control Board, as Chairman.

Notary Public

My Commission expires: _____

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____, 198__, before me, the subscriber, a Notary Public of the State and County aforesaid, duly commissioned and qualified, personally appeared HABERN FREEMAN, who acknowledged himself to be the County Executive of Harford County, Maryland, and that he, as such County Executive, being authorized so to do, executed the foregoing Agreement by signing on behalf of Harford County, Maryland, as County Executive.

Notary Public

My Commission expires: _____

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this 4th day of January, 1983, before me, the subscriber, a Notary Public of the State and County aforesaid, duly commissioned and qualified, personally appeared RONALD KUPFERMAN, who acknowledged himself to be the President of the Town Commission of the Town of Aberdeen, and that he, as such President, being authorized so to do, executed the foregoing Agreement by signing on behalf of the Town Commission, of the Town of Aberdeen, as President.

Joan Scarlato
Notary Public

My Commission expires: July 1, 1986

STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this 16th day of December, 1982, before me, the subscriber, a Notary Public of the State and County aforesaid, duly commissioned and qualified, personally appeared GEOFFREY R. CLOSE, who acknowledged himself to be the Chairman of the Board of Commissioners of the Town of Bel Air, and that he, as such Chairman, being authorized so to do, executed the foregoing Agreement by signing on behalf of the Board of Commissioners of the Town of Bel Air, as President.

Patricia G. Powell
Notary Public

My Commission expires: July 1, 1986

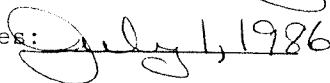
STATE OF MARYLAND, COUNTY OF HARFORD, TO WIT:

I HEREBY CERTIFY that on this 4 day of January, 1983, before me, the subscriber, a Notary Public of the State and County aforesaid, duly commissioned and qualified, personally appeared CHARLES D. MONTGOMERY, who acknowledged himself to be the

Mayor of the City of Havre de Grace, and that he, as such Mayor,
being authorized so to do, executed the foregoing Agreement by
signing on behalf of the City of Havre de Grace, as Mayor.


Notary Public

My Commission expires:

 July 1, 1986

BY THE COUNCIL

BILL NO. 83-2

Read the third time.

Passed LSD 83-5 (February 8, 1983)

Failed of Passage _____

By order

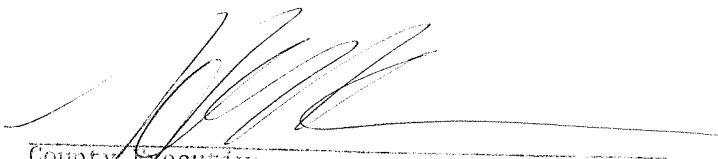
Angela Markowski, Secretary

Sealed with the County Seal and presented to the County Executive
 for his approval this 9th day of February, 1983
 at 3:00 o'clock P.M.

Angela Markowski, Secretary

APPROVED:

BY THE EXECUTIVE


 County Executive

Date

2/10/83

BY THE COUNCIL

This Bill (No. 83-2), having been approved by the Executive
 and returned to the Council, becomes law on February 10, 1983.

Angela Markowski, Secretary

EFFECTIVE DATE: February 10, 1983